

STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RESOLUTION

WHEREAS, on May 18, 2000, a petition was submitted to the Department of Natural Resources requesting the adoption of administrative rules governing mercury emissions to the air from the largest sources of emissions which contribute to mercury deposition to Wisconsin lakes and rivers;

WHEREAS, the petition was amended on September 15, 2000 changing a requested rule provision from requiring a 90% reduction in mercury emissions by the year 2015 to requiring a 90% reduction in mercury emissions by the year 2010;

WHEREAS, the petition was signed by representatives of environmental organizations, conservation groups, sporting clubs, lake associations and several state legislators;

WHEREAS, the Department of Natural Resources has been monitoring mercury in the environment since the 1970's, including sampling mercury in the tissue of fish and other forms of wildlife and has found elevated levels of mercury in fish in one out of every three water bodies tested;

WHEREAS, there are 341 water bodies in Wisconsin that are currently listed by the Department with mercury health advisories restricting human consumption of fish;

WHEREAS, studies have shown that the major pathway for mercury to enter water bodies and ultimately fish and wildlife is atmospheric deposition;

WHEREAS, the predominant source category of unregulated mercury emissions to the air in Wisconsin is the combustion of coal for energy production;

WHEREAS, the Department of Natural Resources has the authority to regulate mercury emissions to the air under s. 285.11(9), Wis. Stats.

THEREFORE, BE IT RESOLVED that the Natural Resources Board grants the petition and directs the Department of Natural Resources to present proposed rules, with a request for public hearing authorization, at the Board's March 2001 meeting.

BE IT FURTHER RESOLVED that the Natural Resources Board directs the Department to incorporate the following items in the administrative rules:

1. The percentage reductions and a phased schedule for achieving the reductions.
2. A methodology for determining baseline emissions levels.
3. An emissions trading and banking system.

4. A provision to allow for alternative compliance options, such as projects that achieve voluntary mercury emission reductions from sources not covered by the rules.
5. A provision that would allow the Department to grant variances, such as deadline extensions and alternative emission limits, if it determines that compliance with the reduction requirements is not technologically feasible, would jeopardize electric reliability or would cause unreasonable hardship as long as the variance would not result in undue harm to human health or the environment.
6. A provision that the Department submit a report to the Board by the end of 2007 that:
 - a. Evaluates the mercury reduction requirements in light of electric reliability, scientific and technology developments, and federal regulatory activity, and recommends adjustments to the reduction requirements, if appropriate, and
 - b. Assesses the impacts of emissions trading on localized water quality and recommends corrective actions if needed.